STATE OF MICHIGAN

COURT OF APPEALS

MICHAEL LOVCHUK, Plaintiff-Appellant,	UNPUBLISHED May 12, 2000
v	No. 211184 Oakland Circuit Court
DEPARTMENT OF TRANSPORTATION, Defendant-Appellee.	LC No. 97-546543 NZ

Before: Zahra, P.J., and Saad and Gage, JJ.

PER CURIAM.

This is a personal injury case arising from an automobile accident. Plaintiff appeals the trial court's order granting defendant's motion for summary disposition under MCR 2.116(C)(10). We affirm.

Plaintiff argues that summary disposition was improper because the evidence established that the intersection was a "known point of hazard", which obligated defendant to make the intersection reasonably safe for vehicular travel by installing warning signs, signals, or a left turn lane. We disagree.

This Court reviews decisions on motions for summary disposition de novo. *Spiek v Dep't of Transportation*, 456 Mich 331, 337; 572 NW2d 201 (1998). A plaintiff claiming tort liability against a government agency must establish that his claim qualifies under one of the statutory exceptions to governmental immunity. MCL 691.1407; MSA 3.996(107). Here, plaintiff claims that his action falls under the defective highway exception. MCL 691.1402; MSA 3.996(102) To prevail under this section, plaintiff must identify a "condition . . . that uniquely affects vehicular travel on the improved portion of the roadway, as opposed to a condition that generally affects the roadway and its surrounding environment." *Pick v Szymczak*, 451 Mich 607, 619, 623; 548 NW2d 603 (1996); MCL 6911402(1); MSA 3.996(102)(1). Plaintiff must also show that the alleged condition makes traveling the particular intersection unreasonably safe. *Id*.

Here, the evidence did not establish that the intersection presented a "known point of hazard" that made the intersection unreasonably safe. Plaintiff failed to point to any defect that established a hazard. The number of accidents, standing alone, is insufficient to create a "point of hazard" under

Pick. Contrary to plaintiff's argument, neither a high accident rate, nor the absence of a warning sign or signal, are hazards in and of themselves. Where, as here, there is clear visibility and the absence of a particular condition creating a known hazard, this Court has declined to find a duty to install warning signs or signals that might have made the intersection safer. See *Helmus v MDOT*, 238 Mich App 250; 604 NW2d 793 (Docket No. 206576, issued 10/26/99), slip op at 2-3 (plaintiff argued that flashing red signal inadequate and should have been replaced with three-light traffic signal); *Wechsler v Wayne Co Rd Comm*, 215 Mich App 579, 590-593; 546 NW2d 690 (1996), remanded 455 Mich 863 (1997) (plaintiff contended that intersection needed left-turn lane or left-turn signal).

Affirmed.

/s/ Brian K. Zahra
/s/ Henry William Saad
/s/ Hilda R. Gage